UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,723	03/31/2004	Yoram Ofek	OFE 1855	9861

20787 7590 11/04/2008

SITRICK & SITRICK
8340 N LINCOLN AVENUE SUITE 201
SKOKIE, IL 60077

EXAMINER	
TRINH, TAN H	
ART UNIT	PAPER NUMBER
2618	
MAIL DATE	DELIVERY MODE
11/04/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/814,723	OFEK ET AL.	
	Examiner	Art Unit	
	TAN TRINH	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 August 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-63* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-63* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *11-01-2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-63 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-42 of copending Application No.10/814731. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of the claims 1-63 of the instant application are encompassed by the limitations of the claims 1-42 of the above copending Application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

3. Listed the independent claim 1, 31 and 43 of copending Application No.10/814731 below:

1. A wireless system for transmitting and receiving a plurality of data

packets, the system comprising: a plurality of directional antenna sectors each having a respective associated three-dimensional region of space for transmitting and receiving electromagnetic signals; at least one receiving controller; at least one transmitting controller; wherein at least one of said receiving controllers is selectively coupled to at least one of the directional antenna sectors to measure received electromagnetic signal characteristics; wherein at least one of said receiving controllers selects at least one of the directional antenna sectors prior to the transmission of at least one data packet responsive to the received electromagnetic signal characteristics; and wherein at least one of said transmitting controllers is selectively coupled to at least one of the directional antenna sectors in order to transmit at least one data packet via the directional antenna sectors selected by said selected one of said at least one receiving controller.

31. A wireless device for transmitting and receiving a plurality of data packets, the system comprising: a first buffer providing memory for storage; a plurality of directional antenna sectors each associated with a respective three-dimensional region in space for transmitting and receiving electromagnetic signals; at least one receiving controller; at least one transmitting controller; wherein each directional antenna sector is selectively coupled to a selected one of the at least one said transmitting controller and transmits an electromagnetic signal in a defined region in space; wherein a selected one of the at least one said receiving controller is selectively coupled to at least one of the directional antenna sectors to measure received--electromagnetic signal characteristics and stores the electromagnetic signal characteristics in the first buffer, and wherein the selected one of the at least one said transmitting controllers is selectively coupled, to at least one of the directional antenna sectors for a first defined time interval for the transmission of at least one data packet responsive to the received electromagnetic signal characteristics stored in the first buffer.

43. A wireless method for transmitting and receiving a plurality of data packets, the method comprising: orienting a plurality of directional antenna sectors in three-dimensional space; selecting at least one of said plurality of directional antenna sectors to receive an electromagnetic signal; coupling at least one of said selected directional antenna sectors to receive an electromagnetic signal; measuring electromagnetic signal characteristics of the received electromagnetic signal; selecting at least one of said plurality of directional antenna sectors to transmit an electromagnetic signal; coupling at least one of said selected directional antenna sectors to transmit a transmitted electromagnetic signal; and transmitting the electromagnetic signal as a transmitted signal in a defined region in space prior to transmitting of at least one data packet responsive to the electromagnetic signal characteristics.

4. Listed the independent claim 12 and 38 of instant Application below:

12. An antenna system for transmitting and receiving a plurality of data packets, the system comprising: an antenna control unit; a plurality of directional antenna sectors each associated with a respective region of space for transmitting and receiving electromagnetic signals; at least one receiving controller; wherein each said directional antenna sector is at least one of the following: a flat panel, a planar, a parabolic dish, a slotted, a micro-strip, omni and a Yagi; wherein the antenna control unit selects the manner in which each of selected ones of said directional antenna sectors is coupled to the transmitted signal prior to transmitting of at least one data packet; wherein, prior to receiving of at least one data packet the antenna control unit selects the manner in which each of said selected ones of said directional antenna sectors is coupled to the received signal; and wherein a selected one of the at least one said receiving controller measures electromagnetic characteristics of the received signal from the selected ones of the plurality of directional antenna sectors.

38. A communications method, comprising: transmitting and receiving a plurality of data packets to and from an antenna control unit; transmitting and receiving electromagnetic signals to and from a plurality of directional antenna sectors each associated with a respective region of space, responsive to the transmitting and receiving from the antenna control unit; providing for at least one receiving controller, responsive to the transmitting and receiving electromagnetic signals; providing for at least one of the following: a flat panel, a planar, a parabolic dish, a slotted, a micro-strip, omni and a Yagi for each said directional antenna sector; selecting, prior to transmitting of at least one data packet via the antenna control unit, the manner in which selected ones of said directional antenna sectors are coupled to the transmitted signal responsive to the transmitting and receiving electromagnetic signals; selecting, prior to receiving of at least one data packet via the antenna control unit, the manner in which selected ones of said directional antenna sectors are coupled to the received signal responsive to the transmitting and receiving electromagnetic signals; and measuring electromagnetic characteristics of the received signal from selected ones of the plurality of directional antenna sectors via said at least one said receiving controller.

Conclusion

5. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(571) 273-8300, (for Technology Center 2600 only)

*Hand-delivered responses should be brought to the Customer Service Window (now located at the **Randolph Building, 401 Dulany Street, Alexandria, VA 22314).***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is (571) 272-7888. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Anderson, Matthew D., can be reached at (571) 272-4177.

The fax phone number for the organization where this application or proceeding is assigned is **(571) 273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tan H. Trinh
Division 2618
November 1, 2008

/TAN TRINH/
Primary Examiner, Art Unit 2618
11-01-2008